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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,739	10/04/2000	Kari Kirjavainen	2980116USHU	1450

466 7590 05/02/2003

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EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,739

Applicant(s)

KIRJAVAINEN

Examiner

KUHNS

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE(3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on FEB. 20, 2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) 14-17 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☒ Claim(s) 7-13 is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Applicant's election with traverse of Group I, claims 1-13 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that according to PCT Rule 13.2, there is a requirement for a relationship between one or more special technical features, not every special technical feature. Applicant then asserts that claims 1 and 14 have at least one common special technical feature since cavitation bubbles are formed in the plastic film to be stretched due to the influence of the material, and the plastic film is subjected to stretching and pressure of pressurized gas simultaneously with stretching so that the bubbles contain the gas. This is not found persuasive because PCT Rule 13.2 requires a technical relationship among "one or more of the same or corresponding special technical features". As pointed out in the previous Office action, the claims of Group I do not have the same or corresponding special technical features as those of Group II since the claims of Group I do not require a film comprising bubbles having a maximum diameter of 100 micrometers, a maximum height of about 10 micrometers and a foaming degree being over 70%.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 10.

3. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for forming cavitation bubbles that are formed in the plastic film during stretching (as set forth, for example, from page 1, line 36 to page 2, line 1 of the specification),

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does not reasonably provide enablement for "cavitation bubbles are formed in the plastic (5) film to be stretched" as in claim 1. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to the invention commensurate in scope with these claims.

4. Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is confusing because "the first orientation stage" lacks antecedent basis within the claims. The same is true for "the machine direction" in claim 3. In addition, it is unclear how the inclusion of "the machine direction" further limits claim 3. Clarification is required.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 143 772. The cited reference discloses the basic claimed method for producing a plastic film including extruding a plastic film and orienting it, wherein before extrusion, material is mixed with the plastic, and after extrusion, the plastic film is oriented by stretching and pressurized gas is arranged to act on the plastic film. The cited reference appears not to explicitly relate the inclusion of the material in the plastic to the formation of bubbles or pores in the film, but such is

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well known and would have been obvious to one of ordinary skill in the art in order to produce the air permeable film required by the cited reference. Claim 1 is readable on the reference with regard to the simultaneity of orientation and application of pressurized gas because at page 4, lines 11-12 it is noted that the stretching is only substantially completed before the gas application occurs. It is submitted that diffusion of gases through the film and into bubbles is inherent in the practice of the process of the cited reference since the gas passes through the film.

The cited reference teaches orienting the film in the machine direction and transverse to the machine direction, as in claim 3, and required gas pressure, as in claim 4, would have been readily determined through routine experimentation by one of ordinary skill in order to provide the passage of air expediently through the film. The cited reference suggests the inclusion of an oily substance with the plastic, as in claim 5, by disclosing the inclusion of a lubricant at page 3, line 48. Because of the steps taught by the cited reference, this reference teaches or suggests an apparatus having a structure as recited by claim 6.

7. Claims 7, 9, 10 or 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (703) 308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Allan R. Kuhns
ALLAN R. KUHN
PRIMARY EXAMINER *Av 1732*
4-30-03